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OLC 75. 2149

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

September 3, 1975

The Honorable Otis G. Pike, Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Chairman Pike:

On July 25th I left with you a packet of materials concerning approaches that might be appropriate in handling the variety of demands your Committee will be making upon the Agency in the months to come. Since then we have had discussions regarding security and other aspects of your Committee's investigation. In addition, the Committee's Staff Director and Counsel have held a series of discussions with our Special Counsel and members of my staff. With this then as background, let me suggest certain approaches that I believe will insure our ability to respond promptly and fully to the needs of the Committee.

I. Documents:

Upon receipt of a written request from the Chairman, Staff Director or Committee Counsel for documents dealing with a particular area of inquiry, the Agency will promptly respond with an answer, a partial response or at least a statement as to when the materials will be available. To insure that there are no misunderstandings as to the materials requested, it maybe helpful for your staff to initially discuss the scope of a proposed request with our staff before it is reduced to writing. In addition, I have encouraged our staff to contact your staff members and discuss the precise nature of any request not clear on its face. Further, our staff has been instructed to make materials available as soon as they are ready and not to hold up a response until all of the materials requested have been compiled. When documents are withheld because clearance is being sought from another Agency, your Committee will be notified.

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To assist us in servicing your requests we have also asked that the various requests for documents be coordinated in order that we might be advised as to the House Select Committee's priorities among the various demands. We have set up a reading room at the Agency where documents will be made available for examination.

With respect to the documents to be made available to the Committee, there are certain sensitive materials that must be protected not only from exposure but even the risk of exposure. Included in this sensitive category are:

--identities of agents and sources;

--identities of persons involved in Agency operations who would be subject to personal, physical danger, to extreme harassment or to economic or other reprisals if their names were to be publicly identified;

--material provided confidentially by cooperating foreign intelligence services;

--details that would reveal the nature of sensitive intelligence methods and techniques of collection, by technical and human means;

--identities of cooperating Americans and American organizations and contacts to whom we have a confidential relationship.

In making such deletions, our staff has been instructed to describe the deletion, e.g., as a CIA officer or a source, in order to place the material in context. Where your staff believes that a particular name or detail is critical to their inquiry, this then should be brought to the attention of our staff and the matter can be negotiated. I believe this procedure is consistent with your statement to me that the Committee is not interested in our sources and methods, or in the names of agents as such.

Finally, some proposed testimony and requests for documents may enter the area of the executive decision-making process in which the need to protect the confidentiality of advice or recommendations to policy-making bodies has long been recognized. This would apply, for example, to Presidential or 40 Committee deliberations relating to approval of CIA actions. Where such a circumstance exists, the Committee will be advised.

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We will want to work together, too, to protect certain other information which, if improperly disclosed, could impair the legitimate rights of privacy of individuals. I am sure we can deal with these matters so as to protect this essential privacy while satisfying the Select Committee's need for a full understanding of intelligence activities.

II. Witnesses:

You doubtless will want to interview present and former CIA employees. It is our understanding that prospective witnesses will be advised of the scope of the inquiry and may be accompanied by counsel, as provided by the Committee rules. Current employees will, of course, be made available to the Select Committee for staff interviews and for testimony. This on rare occasions may require special arrangements, including testimony under alias, to protect the identity of employees whose safety or future utility might be jeopardized by exposure. With respect to the interview of Agency employees who are currently on detail to other agencies in the government and whose testimony relates to CIA matters, we will arrange with the host agency to make the employee available upon request of the Committee. Where the employee is sought to testify with respect to matters concerning his detail or matters relating to the host agency, we will bring your request to the attention of the host agency. Thus, if your staff will advise us of whom they wish to interview, we will make the appropriate arrangements with our employees. While I have no authority to direct the cooperation of ex-employees, I will be happy to assist you in any way I can. In a very few cases, their identities also will have to be protected.

As you know, each employee had to sign a secrecy agreement upon entering on duty. This requires that he keep forever secret all classified information gained during his employment, unless he obtains prior authorization to disclose it from the DCI. These secrecy agreements signed by our employees and ex-employees need not impair the necessary work of your Committee. In view of the security protection comtemplated by your Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated staff members will, in most instances, constitute an authorized provision of information within the meaning of the secrecy agreements. The attached Employee Bulletin may be used to indicate authorization for

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any Agency employee to furnish information to the Select Committee or to appropriate staff members on matters which otherwise would be covered by their secrecy agreement. Where, however, the answer to the particular question covers the highly sensitive matters mentioned above, the employee or former employee is obligated to consult with the Agency before responding. In this regard, the Agency would appreciate being notified before the Committee contacts each Agency employee or ex-employee who is to be interviewed or called to testify. I attached a separate letter addressed to CIA ex-employees which should be shown to them for the same purpose.

Since so many of our activities involve sensitive areas, I propose an approach which should aid the Committee in expediting its investigation. If the Committee will notify Mitchell Rogovin, Special Counsel to the Director, of the areas of its inquiry at the outset, we would be in a position to highlight particularly sensitive issues and work out methods to insure that your Committee obtains what it needs without unnecessary risk to the sensitive matters. We will then be in a position to bring to the Committee's attention whether any particularly sensitive issues may be involved. Such an approach will insure you get the information you need to perform your task and at the same time safeguard sensitive intelligence sources and methods which I am obligated by law to protect.

In conclusion, we ask that your Committee make an early determination as to the ultimate disposition of its records upon completion of its tasks. I am sure you will join me in recognizing that permanent, safe storage and security safeguards will be necessary to protect the sensitivity of the Committee's records. To this end you may wish to discuss permanent disposition with the Archivist of the United States. This matter of ultimate disposition of the records of your Committee continues to concern the Intelligence Community. I hope that this important matter can be disposed of promptly.

It is in our mutual interests to ensure that your review proceeds as smoothly and as expeditiously as possibly. Toward that end, I have instructed all CIA

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personnel to respond in a spirit of cooperation. A copy of that instruction is attached. And, I am prepared to consult with the Committee at any time to determine appropriate courses of action.

Sincerely,

W. E. Colby
Director

Attachments:
As Stated

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EMPLOYEE BULLETIN

House Select Committee on Intelligence

House Resolution 591 established a House Select Committee to review U.S. intelligence activities. The Resolution calls for a comprehensive review of the organization, operations, and oversight of the U.S. intelligence community.

It is in the interests of all of us to see that the Select Committee gains a full understanding of our activities and the importance of their contribution to the country as expeditiously as possible. I have every confidence that the inquiry will produce new understanding of and improvements in the American intelligence system.

It is with this conviction that I have pledged my personal cooperation, and that of the CIA. I have advised Chairman Pike and Vice-Chairman McClory that employees of the CIA will be available to the Select Committee for interviews and for testimony. Most of these interviews and testimony will be designed merely to obtain factual or background information. The Committee may also delve into activities it feels are not clearly spelled out in our charter. Employees called for interview or testimony who feel concern about their personal responsibility should not hesitate to consult with our General Counsel. They furthermore may be assured that the Agency will give every proper assistance to employees in placing in context the responsibilities and authority that were laid upon them with respect to any areas under inquiry.

We are working out procedures with the Committee Staff to facilitate their work. Attached to this bulletin is a letter which I have sent to Chairman Pike. To facilitate the necessary work of the Committee and in recognition of the security protection contemplated by the Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated Staff members will constitute authorized provision of information within the meaning of the Secrecy Agreements signed by each CIA employee, subject to the

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special procedures and limitations set forth in the letter regarding particularly sensitive matters. Of course, employees must bear in mind that this limited release allowing them to disclose classified information to the Committee does not constitute a general release. It is one limited to the Committee only.

The cooperative spirit of our relationship with the Committee and its Staff must at the same time take into account the rights of Agency employees. The Committee Staff has agreed to advise employees of their Constitutional rights at the beginning of any interview or other appearance.

When a current Agency employee is selected to be interviewed, the Staff Director or Chief Counsel will normally notify the Review Staff (351-4086) who will then contact the employee through the appropriate Directorate. This procedure is intended to allow time for the employee to gain general legal advice if he or she wants it, on which he may consult our General Counsel, and to obtain security guidance from an appropriate senior officer.

As in the case of the Senate Select Committee, my own belief is that after a careful review of all U.S. intelligence activities, the House Committee will address needed legislative changes and will reaffirm its confidence in the importance and contribution of U. S. intelligence.

W. E. Colby
Director

Attachment: a/s

DISTRIBUTION: ALL EMPLOYEES

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To Former Employees of The Central Intelligence Agency:

House Resolution 591 established a Select Committee of the House of Representatives to review U. S. intelligence activities. It is in the interest of the nation to see that the Select Committee receives the information it needs to fully understand our activities and the importance of our contributions to the country.

Since you have been contacted by a member of the Select Committee's staff for interview you may have questions of your own regarding the implications of the secrecy agreement you signed for the testimony sought from you. As you will recall, the agreement you signed as a condition of employment requires that you keep forever secret all classified information gained by you during the course of your employment. Further, the agreement requires that you may not disclose classified information, either orally or by publication, without prior authorization from the Director of Central Intelligence even after employment with the CIA has been terminated.

In recognition of the security protection undertaken by the Select Committee, I have determined that the disclosure of otherwise protected information to the Select Committee or its designated staff members will--with the exception of a few, specially sensitive matters--in most instances constitute a fully authorized provision of information within the meaning of the secrecy agreement. Of course, employees must bear in mind that this limited release allowing them to disclose classified information to the Committee does not constitute a general release. It is one limited to the Committee only.

The category of especially sensitive matters includes the following:

1. Identities of agents and sources;

2. Names of persons involved in Agency operations who would be subject to personal, physical danger, to harassment or to economic or other reprisals if publicly identified;

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3. Material provided confidentially by cooperating foreign services;

4. Details that would reveal the nature of sensitive intelligence methods and techniques of collection, by technical and human means; or

5. Identities of cooperating American organizations and contacts to whom we have pledged confidentiality.

If the proposed answers to any of the questions put to you involve especially sensitive matters, you should advise the interviewer that you have a problem and wish to obtain advice from the Agency. Contact the CIA Review Staff [STAT] for this purpose.

W. E. Colby
Director

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Copies to:

White House: Mr. Buchen
Mr. Hills
Mr. Wilderotter

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